

VZCZCXRO3076  
PP RUEH DU RUEHJO  
DE RUEHSA #0384/01 0561258  
ZNR UUUUU ZZH  
P 251258Z FEB 10  
FM AMEMBASSY PRETORIA  
TO RUEHC/SECSTATE WASHDC PRIORITY 1344  
INFO RUEHTN/AMCONSUL CAPE TOWN PRIORITY 7604  
RUEH DU/AMCONSUL DURBAN PRIORITY 1668  
RUEHJO/AMCONSUL JOHANNESBURG PRIORITY 9959

UNCLAS SECTION 01 OF 02 PRETORIA 000384

SIPDIS

DEPT. FOR IO/HR

E.O. 12958: N/A

TAGS: [PREL](#) [PHUM](#) [UN](#) [SA](#)

SUBJECT: DEMARCHE TO SOUTH AFRICA: PRIORITIES FOR MARCH UN  
HRC SESSION

REF: SECSTATE 16236

-----  
SUMMARY  
-----

¶1. (SBU) The South African Government's (SAG) positions in the 13th session of the Human Rights Council (HRC) will be essentially unchanged from those of the 12th session apart from slight nuances. The SAG continues to assert that Defamation of Religion (DoR) must be addressed, although it concedes that the Organization of the Islamic Conference (OIC) needs to find a new strategy to pursue the issue. The SAG will continue to support country-specific resolutions only when the targeted country--or its regional neighbors--consents to them. The SAG's priorities in the March session will be: impending review processes of the HRC; the question of universal membership and the authority of HRC resolutions once adopted. Post's interlocutor also warned that the SAG will follow closely the Freedom of Expression resolution, will produce first drafts of several racism resolutions and is concerned with mandate creep. Lengthy discussions on Iran will be reported septel. End summary.

-----  
FAMILIAR TERRITORY  
-----

¶2. (U) Poloffs met with Mr. Pitso Montwedi, Chief Director, Human Rights and Humanitarian Affairs in the Multilateral Directorate of the Department of International Relations (DIRCO); Raymond Sithole, Deputy Director for Civil and Political Rights (CPR); Laura Lazarous, Assistant Director for CPR and Sybil Matlhako, Assistant Director for CPR.

¶3. (SBU) Montwedi confirmed that the SAG's stance on the Defamation of Religion resolution has not changed. He asserted that the concept needs to be defined in international law. The SAG thinks that the OIC's claims that the "War on Terror" has led to "religious profiling" are correct and that said profiling has led to the restriction of Muslims' movements and violations of their human rights. Montwedi did concede that the OIC "has been running the resolution for too long", making it a divisive issue, and needs to provide an alternate solution. The SAG suggests opening a mechanism that would address what they see as the essential question: Is religious defamation a condition that needs to be added to international human rights law? He said that if DoR was a legitimate concern, it should be opened to debate to create a clear definition, so that it would not undergo the "endless oscillation" of issues like sexual orientation, gender equality and the death penalty. Montwedi added that the OIC and others should "nail down what they mean" and not just "use the issue as a political hammer."

¶4. (U) Similarly, the SAG's stance on country-specific

resolutions will remain unchanged. If the countries being targeted by a resolution (or their regional neighbors) consent to the resolutions proposed, South Africa will vote in the affirmative. If the countries do not support the measures proposed, South Africa will not support them.

-----  
SOUTH AFRICA'S PRIORITIES  
-----

¶15. (SBU) As Montwedi expressed when a DRL/IO/L delegation visited Pretoria in October 2009, the SAG is very concerned with the status of the HRC. It is seeking a powerful ally to help it amend Chapter 13 of the United Nations Charter to replace the "defunct" Trusteeship Council and replace it with the HRC. Although it understood the sensitivities of those who see the Charter as inviolable, the SAG feels it can be amended to put the HRC on par with the Economic and Social Council (ECOSOC) and the Security Council. Montwedi QCouncil (ECOSOC) and the Security Council. Montwedi characterized it as a "desperate bottom line", an initiative which the SAG will champion despite divisions within the Africa Group.

¶16. (U) Montwedi also reiterated the SAG's view that if members want to discuss universal membership, by "necessary implication" the discussion must explore uprooting everything from Geneva and transplanting it to New York. In a continuation of themes explored in October 2009, Montwedi revisited the concept of the authority of HRC resolutions once adopted by the Council. The SAG's stance is that HRC resolutions do not need subsequent endorsement in other UN fora and that only new instruments need to be brought before

PRETORIA 00000384 002 OF 002

the General Assembly.

-----  
WARNING SIGNS  
-----

¶17. (SBU) Montwedi advised that while South Africa may not support any resolution on Iran, the SAG will wholeheartedly support the fact that such resolution is being offered in the proper venue. Montwedi asked for confirmation that the USG intended to offer a resolution addressing the ongoing human rights abuses in Iran. Additional Iran discussion will be reported by septel.

¶18. (U) Montwedi warned that the SAG will follow closely the Freedom of Expression resolution and still maintains that the resolution derogates the existing norms and standards. He added, "We will be giving your colleagues in Geneva a hard time on this one."

¶19. (U) The SAG also intends to fulfill its "continental obligations" to produce first drafts of various racism resolutions. Montwedi mentioned a resolution on the elimination of racism in sport and one on complementary standards to the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) for cyber crime, defamation and xenophobia.

¶10. (U) In closing, Montwedi discussed the SAG's concern with mission creep as it relates to the Commission on the Status of Women (CSW) and the Mexico-sponsored Elimination of Discrimination Against Women resolution. The SAG thinks Mexico's resolution was unnecessary and conflicts with the CSW's mandate. Montwedi suggested the HRC President might be asked to draft some form of statement committing the HRC to not usurping or abrogating the mandates of other UN bodies.  
GIPS